IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 386 (S/S) of 2004

1. Uttaranchal Van Shramik Sangh, Head Office Ranibagh, Nainital through its President
   Sri Bahadur Singh Sammal S/o Sri Jaman Singh Sammal, R/O Village – Baldiyakhan, P.O. Patva Danger, Tehsil and District – Nainital
2. Sri Dinesh Singh Rawat S/o Sri Jai Pal Singh Rawat, R/O 5, Tilak Road, Forest Division, Dehradun

------ Petitioners

Versus

1. State of Uttaranchal through Principal Secretary Forest, Uttaranchal Sashan Dehradun
2. Principal Chief Conservator of forest, 87 Rajpur Road, Dehradun
3. Chief Conservator of Forest, Garhwal Division, 85 – Rajpur Road, Dehradun
4. Chief Conservator of Forest, Kumaon Division, Glain Thorn Bhawan, Nainital

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Chaudhary, learned counsel for the petitioners and Sri H.M. Raturi, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondents authorities to regularize the members of petitioner Society in the Forest Department.
2. Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondents authorities to

pay the regular monthly salary with the dearness allowances to the daily wages employees working in the Department and not to recover the paid dearness allowances.

3. Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

4. Award the cost.

So far as the first prayer is concerned, this prayer cannot be granted in view of the judgment of the Hon'ble Apex Court in the case of Secretary State of Karnataka Vs. Uma Devi, (2006) 4 SCC
1.

So far the second prayer is concerned, respondents are directed to make payment of minimum pay scale to the petitioners till they are working. Petitioners are working in the department since long back.

In case, the petitioners are still continuing in the department and they were engaged with the department since long back and they are not being paid minimum of pay scale, it would be just and proper to direct the respondent t pay minimum pay scale to the petitioner.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

24.05.2007
VKS